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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2006-770

MARGARET BORREGO BUTTLES
12237 La Cadena
Colton, CA 92324
Psychiatric Technician License No. PT 28053

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about April 28, 1992, the Bureau of Vocational Nursing and
Psychiatric Technicians (Bureau) issued Psychiatric Technician License Number PT 28053 to
Margaret Borrego Buttles (Respondent). The Psychiatric Technician License was in full force
and effect at all times relevant to the charges brought herein and will expire on November 30,
2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Director of Consumer Affairs (Director) for the Bureau under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 101.1(b) states:

"(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

"(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department."

5. Section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 150 states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

7. Section 477 states:

As used in this division:

"(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

"(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code."

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1 8. Section 490 provides, in pertinent part, that a board may suspend or
2 revoke a license on the ground that the licensee has been convicted of a crime substantially
3 related to the qualifications, functions, or duties of the business or profession for which the
4 license was issued.

5 9. Section 4520 provides, in pertinent part, that the Board may discipline any
6 licensed psychiatric technician for any reason provided in Article 3 (commencing with section
7 4520) of the Psychiatric Technicians Law.

8 10. Section 4521 states:

9 "The board may suspend or revoke a license issued under this chapter [the
10 Psychiatric Technicians Law (section 4500 et seq.)] for any of the following reasons:

11 "(a) Unprofessional conduct, which includes but is not limited to any of the
12 following:

13 (5) Use any controlled substance as defined in Division 10
14 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as
15 defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2, or alcoholic
16 beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other
17 person, or the public or to the extent that the use impairs his or her ability to conduct with safety
18 to the public the practice authorized by his or her license.

19 (6) Be convicted of a criminal offense involving the falsification of
20 records concerning prescription, possession, or consumption of any of the substances described
21 in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of
22 the conviction. The board may inquire into the circumstances surrounding the commission of the
23 crime in order to fix the degree of discipline.

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25 "(f) Conviction of any offense substantially related to the qualifications,
26 functions, and duties of a psychiatric technician, in which event the record of the conviction shall
27 be conclusive evidence of the conviction. The board may inquire into the circumstances
28 surrounding the commission of the crime in order to fix the degree of discipline."

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 2578, states, in relevant part:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed psychiatric technician if to a substantial degree it evidences present or potential unfitness of a licensed psychiatric technician to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. . . .”

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially-Related Crime)

13. Respondent is subject to disciplinary action under section 490, and section 4521, subdivision (f), in conjunction with California Code of Regulations, title 16, section 2578, as a result of Respondent's conviction of a crime that is substantially related to the qualifications, functions, and duties of a licensed psychiatric technician, and that evidences present and/or potential unfitness to perform the duties of a licensed psychiatric technician in a manner consistent with the public health, safety, or welfare. On or about March 20, 2006, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence] in the criminal proceeding entitled *The People of the State of California v. Margaret Borrego Buttes* (Super. Ct. San Bernardino County, 2006, No. TWV049392). Respondent was sentenced to 45 days in jail, ordered to attend

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1 a multi-offender alcohol program, and placed on three years probation. The underlying arrest
2 occurred on or about October 24, 2005.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 14. Respondent is subject to disciplinary action under section 4521,
6 subdivision (a)(5), as a result of Respondent's use of alcohol in a manner that was dangerous
7 both to herself and others. Complainant now references and incorporates all the allegations
8 contained in paragraph 13, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Conviction Involving Alcohol)**

11 15. Respondent is subject to disciplinary action under section 4521,
12 subdivision (a)(6), as a result of Respondent's conviction of a crime involving alcohol.
13 Complainant now references and incorporates all the allegations contained in paragraph 13, as
14 though set forth fully.

15 **ADDITIONAL DISCIPLINARY CONSIDERATION**

16 16. As an additional consideration in determining the appropriate amount of
17 discipline, the Board alleges that on or about March 6, 2006, the Board sent Respondent a
18 warning letter regarding her conviction of one misdemeanor count of violating Vehicle Code
19 section 23152, subdivision (b) [driving with blood alcohol content greater than .08%] in the
20 criminal proceeding entitled *The People of the State of California v. Margaret B. Buttles* (Super.
21 Ct. San Bernardino County, 2005, No. TSB116345). Respondent was placed on three years
22 probation, assessed fines and restitution, and ordered to attend an alcohol education program.
23 The underlying arrest occurred on or about October 3, 2004. Approximately one year later, while
24 on probation for this crime, Respondent was again convicted of driving under the influence.
25 Complainant now references all the allegations set forth in paragraph 13, as though set forth
26 fully.

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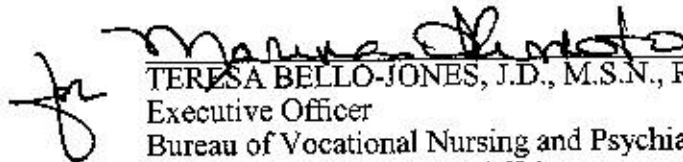
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 28053, issued to Respondent;
2. Ordering Respondent to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: November 18, 2008


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Bureau of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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